## REMARKS

Claims 1-7 are pending in the present application. Claims 1 and 4-7 have been amended. The outstanding issue in the current Office Action is as follows:

- Claims 1-7 are rejected under 35 U.S.C. § 102(e) as being anticipated by Fransdonk (U.S. Patent Application No. 2003/0165241, hereinafter *Fransdonk*);

Applicant respectfully traverses the outstanding claim rejections, and requests reconsideration and withdrawal in light of the remarks presented herein.

### I. Claim Amendments

Claim 1 has been amended to correct informalities discovered during the preparation of this amendment and to provide proper antecedent basis for the recited terms. No new matter is presented. Moreover, the amendments do not narrow the scope of the claim, but rather present the previously recited limitations more clearly.

Claims 4-7 have been amended to more closely track the language of the base claim and to provide antecedent basis for the recited terms. Accordingly, no new matter is presented. Moreover, these amendments do not narrow the scope of the claims.

### II. Claim Rejections Under 35 U.S.C. § 102(e)

Claims 1-7 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Fransdonk*. Office Action, page 2. Applicant traverses the rejection and asserts that the claims are allowable, at least, for the reasons stated below.

In order anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim. *See* M.P.E.P. § 2131. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Moreover, "[T]he identical invention must be shown in as complete detail as is contained in the ... claim." M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Applicant(s) assert(s) that the art

of record does not teach every element of the claim(s) and does not show the identical invention in as complete detail as is contained in the claim(s).

A. Claim 1

Claim 1, as amended, recites, in part:

> unlocking electronic files . . . stored under the control of a user . . . comprising . . . accepting from said user a request for a code to unlock specific ones of said stored electronic files . . . .

The Examiner relies upon *Fransdonk*'s "content" as meeting the claimed "electronic files." Office Action, page 2. However, at the passage cited by the Examiner, *Fransdonk* teaches that:

> [T]he content delivery system *will release* the content for delivery to the content requestor *if* the content location complies with the geographic access criteria. *Fransdonk*, Abstract (emphasis added).

Because *Fransdonk*'s content requestor only receives content after he has been authenticated, the content has not been "stored under the control of the [content requestor]" when the content requestor's request for an unlock code is made. *See Fransdonk*, paragraph [0055]. Therefore, *Fransdonk* does not teach accepting a request to unlock an electronic file that is already stored under the control of the user. Applicant is unable to find any passage of *Fransdonk* that discloses the foregoing limitation. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 102(e) rejection with respect to claim 1 be withdrawn.

Claim 1, as amended, also recites, in part:

> obtaining an electronic delivery address for said user . . . and electronically delivering to said electronic delivery address the address of at least one network access destination, such that said requesting user can electronically access said network access destination to obtain said code for unlocking said specific electronic file.

Applicant respectfully points out that the "electronic delivery address" and "the address of [a] network access destination" of claim 1 are distinct features. Nonetheless, the

Examiner seems to rely upon *Fransdonk*'s URL as meeting both these limitations. Office Action, page 3. Accordingly, Applicant respectfully requests that the Examiner more clearly indicate which feature of claim 1 is believed to be anticipated by *Fransdonk*'s URL.

B. Claims 2-7

Dependent claims 2-7 depend either directly or indirectly from claim 1, and thus inherit all the limitations of that independent claim. As noted above, *Fransdonk* does not teach every element of independent claim 1. Consequently, *Fransdonk* also fails to teach every element of dependent claims 2-7. Accordingly, Applicants respectfully requests that the 35 U.S.C. § 102(e) rejection of record with respect to claims 2-7 be withdrawn.

## III. Conclusion

In view of the above amendment and remarks, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 100110485-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail Airbill No. EV482726946US, in an envelope addressed to:
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Date of Deposit: October 19, 2005

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